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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* NORIKO ITANI

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Appeal 2009-001311<sup>1</sup>  
Application 09/826,915  
Technology Center 2100

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Decided: June 7, 2010

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Before LANCE LEONARD BARRY, JEAN R. HOMERE, and  
CAROLYN D. THOMAS, *Administrative Patent Judges*.

HOMERE, *Administrative Patent Judge*.

DECISION ON APPEAL

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<sup>1</sup> Filed April 6, 2001. The real party in interest is Fujitsu Limited. (App. Br. 1.)

## I. STATEMENT OF THE CASE

Appellant appeals under 35 U.S.C. § 134(a) (2002) from the Examiner's final rejection of claims 1 through 27. Claims 28 through 39 have been canceled. (App. Br. 2.) We have jurisdiction under 35 U.S.C. § 6(b) (2008).

We affirm.

### *Appellant's Invention*

As depicted in Figure 1 of Appellant's Drawings, Appellant invented a method and system (110) for expediting the compression of eXtensible Markup Language (XML) documents having a common data structure (i.e. embedded in tags) by eliminating tag analysis therefrom. (Spec. 6, ll. 19-22, *id.* at 26, ll. 10-15.) In particular, the compression system (110) includes a tag list obtaining unit (111) that strips element contents from the common data structure to generate a single list of start markup tags and end markup tags (Figure 3B) in the order they appear in the documents. (*Id.* at 27, ll. 25-27, *id.* at 28, ll. 1-10.) The compression system (110) further includes a compressing unit (112) that replaces all tags in the list with one or more predetermined delimiter code. (*Id.* at 28, ll. 11-17, *id.* at 33, ll. 23-27.) The compression unit (110) also includes an outputting unit (113) outputting a one-to-one correspondence between the list of tags and the delimiter codes in the compressed XML documents. (*Id.* at 28, ll. 18-25, *id.* at 32, ll. 18-24.)

### *Illustrative Claim*

Independent claim 1 further illustrates the invention. It reads as follows:

1. An apparatus for compressing a plurality of structured documents having a common data structure, said apparatus comprising:

a tag list obtaining unit obtaining only one tag list, common to said plural structured documents, that lists start markup tags and end markup tags in the order that they appear in the structured documents, by removing element contents from the common data structure;

a structured document compressing unit, by replacing all tags in said plural structured documents with a single predetermined delimiter code, generating a plurality of compressed documents comprising element contents and predetermined delimiter codes; and

an outputting unit outputting said single tag list, which is obtained by said tag list obtaining unit, and also said plurality of compressed documents, which are generated individually from said plural structured documents by said structured document compressing unit, in correspondence with one another.

*Prior Art Relied Upon*

The Examiner relies on the following prior art as evidence of unpatentability:

Goodman	5,999,929	Dec. 7, 1999
Hind	US 6,635,088 B1	Oct. 21, 2003
Maruyama	US 7,043,686 B1	May 9, 2006

*Rejections on Appeal*

The Examiner rejects the claims on appeal as follows:

1. Claims 1 through 6, and 11 through 27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Hind and Maruyama.
2. Claims 7 through 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Hind, Maruyama and Goodman.

*Appellant's Contentions*

Appellant contends that the combination of Hind and Maruyama does not teach or suggest replacing all tags in single tag list with a single predetermined delimiter code, as recited in independent claim 1. (App. Br. 18, Reply Br. 2-3.) According to Appellant, Hind discloses a plurality of tag lists having different generated short tags that replace corresponding located tags obtained from XML documents, whereas the claim requires using a single predetermined delimiter to replace all tags in the single tag list. (*Id.*)

*Examiner's Findings*

The Examiner finds that Hind's disclosure of compressing XML documents by generating a short tag to replace each corresponding tag in a list of tags located in the XML documents teaches the disputed claim limitations. (Ans. 13-15.)

## II. ISSUE

Has Appellant shown the Examiner erred in concluding that the combination of Hind and Maruyama teaches or suggests replacing all tags in single tag list with a single predetermined delimiter code, as recited in independent claim 1?

## III. FINDINGS OF FACT

The following Findings of Fact (FF) are shown by a preponderance of the evidence.

### *Appellant's Specification*

1. Appellant's Specification discloses a first embodiment wherein tags that are embodied in an XML document are replaced with a single delimiter<sup>2</sup> code “,” such that all the tags in the document are replaced with the same delimiter code. (Spec. 28, ll. 14-16, *id.* at 33, ll. 23-27.)

2. Appellant's Specification discloses another embodiment wherein tags embodied in an XML document are replaced with corresponding delimiter codes such that the position of each tag corresponds to a delimiter code (not necessarily the same) thereby creating a one-to-one correspondence therebetween. (*Id.* at 28, ll. 11-14, *id.* at 29, ll. 16-21, *id.* at 32, ll. 18-22.)

### *Hind*

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<sup>2</sup> See Random House Webster's College Dictionary, 1995, pp. 358 (defining delimiter as “a character or space indicating the beginning or end of a piece of computer data.”)

3. Hind discloses a system for reducing the size of XML documents being compressed by substituting a unique short tag for each tag located in the document to thereby create a one-to-one correspondence between the generated short tags and the located tags. (Col. 4, ll. 21-31.)

4. As depicted in Figure 5A, Hind discloses locating multi-character start and end markup tags within an XML document. (Col. 13, ll. 7-11.)

5. As shown in Figure 5B, Hind discloses a tag compression process wherein each unique multi-character tag located in the XML document is replaced with a unique single character tag (short tag) thereby creating a one-to one correspondence between the unique multi-character tags located in the document and the unique short tags created therefor. (Col. 13, ll. 11-16.)

6. Hind discloses storing in a table a correspondence between the short tags and the located tags. (Col. 13, ll. 26-30.)

7. Hind discloses a display device (22) connected with memory via a bus (14).

8. Hind discloses “/” character as being part of a tag delimiter, and not part of a tag name. (Col. 13, ll. 45-47.)

#### IV. PRINCIPLES OF LAW

##### *Obviousness*

Appellants have the burden on appeal to the Board to demonstrate error in the Examiner’s position. *See In re Kahn*, 441 F.3d 977, 985-86

(Fed. Cir. 2006) (“On appeal to the Board, an applicant can overcome a rejection [under § 103] by showing insufficient evidence of *prima facie* obviousness or by rebutting the *prima facie* case with evidence of secondary indicia of nonobviousness.”) (quoting *In re Rouffet*, 149 F.3d 1350, 1355 (Fed. Cir. 1998)).

## V. CLAIM GROUPING

Appellants argue the patentability of claims 1 through 27 in conjunction with the rejection of independent claim 1. In accordance with 37 C.F.R. § 41.37(c)(1)(vii), we will consider these claims as standing or falling respectively with claim 1.

## VI. ANALYSIS

Independent claim 1 requires, *inter alia*, replacing with a single predetermined delimiter code all tags in a single tag list obtained from a plurality of structured documents. (Br. 20, Claims App’x.)

We first consider the scope and meaning of the phrase “*replacing all tags with a single delimiter code*” which must be given the broadest reasonable interpretation consistent with Appellants’ disclosure, as explained in *In re Morris*, 127 F.3d 1048 (Fed. Cir. 1997):

[T]he PTO applies to the verbiage of the proposed claims the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art, taking into account whatever enlightenment by way of definitions or otherwise that may be afforded by the written description contained in the applicant's specification.



*Id.* at 1054. *See also In re Zletz*, 893 F.2d 319, 321 (Fed. Cir. 1989) (stating that “claims must be interpreted as broadly as their terms reasonably allow.”).

Appellant’s Specification indicates that, in a first embodiment, the same delimiter code is used to replace all tags obtained in the tag list to thereby create a one-to-many correspondence between the delimiter code and the tags. (FF. 1) Further, in an alternative embodiment, the Specification indicates that different delimiter codes are used to replace the tags obtained in the tag list to thereby create a one-to-one correspondence between the delimiters and the tags. (FF. 2.)

Our reviewing court further states, “the ‘ordinary meaning’ of a claim term is its meaning to the ordinary artisan after reading the entire patent.” *Phillips v. AWH Corp.*, 415 F.3d 1303, 1321 (Fed. Cir. 2005).

Upon reviewing Appellants’ Specification, we find the phrase “*replacing all tags with a single delimiter code*” can be reasonably construed consistent with either the first embodiment or the alternative embodiment set forth hereinabove. However, while the cited phrase can be construed as using the same delimiter code to replace all the tags, the claim is not so limiting. In other words, the claim language in question can also be broadly but reasonably interpreted, as suggested by the Examiner, as utilizing a single or unique delimiter (not necessarily the same) to replace each unique tag obtained in the tag list. (Ans. 14.) Thus, we find that while the cited portions of Appellant’s Specification set forth two different embodiments,

they are not mutually exclusive. Further, since the claim language does not favor or preclude a particular embodiment, and since we are not at liberty to read limitations from the Specification into the claim, we must therefore broadly but reasonably construe the disputed claim limitation in this appeal. We find that, to meet the disputed claim language, it suffices that the prior art of record teaches using a single or unique delimiter code to replace each corresponding unique tag in the single tag list.

As set forth in the Findings of Fact section, Hind discloses locating start and end markup multi-character tags within an XML document. (FF. 4.) We agree with the Examiner that such disclosure fairly and reasonably teaches or suggests creating a single list of multi-character tags located in the XML document. (Ans. 13-14.) Further, Hind discloses using a unique single character tag to replace each unique multi-character tag encountered in the document. (FF. 5.) Consistent with our claim interpretation above, we find that by using a unique single character tag to replace each corresponding unique multi-character tag in the list of multi-character tags, Hind teaches replacing all the multi-character tags in the tag list with a single character tag thereby creating a one-to-one correspondence between the single character tags and the multi-character tags in the tag list. Additionally, we find that the ordinarily skilled artisan would have readily appreciated that Hind's disclosure of a table in a memory (connected to a display device) for storing the established correspondence between the short tags and the located tags serves the purpose of being displayed to the user. (FF. 6-7.) Last, we do not reach the questions of (1) whether Hind's

disclosure of a single list is common to a plurality of structured documents and (2) whether Hind's disclosure of a single character tag constitutes the delimiter code, as recited in claim 1, since Appellant failed to raise such arguments in the Briefs.<sup>3</sup> It follows that Appellant has not shown that the Examiner erred in concluding that the combination of Hind and Maruyama renders independent claim 1 unpatentable. Similarly, for the foregoing reasons, Appellant has not shown error in the Examiner's conclusion of unpatentability based upon the combination of Hind, Maruyama and Goodman.

## VII. CONCLUSION OF LAW

Appellant has not established that the Examiner erred in rejecting under 35 U.S.C. § 103(a) claims 1 through 27 as set forth above.

## VIII. DECISION

We affirm the Examiner's rejection of claims 1 through 27.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv) (2009).

## AFFIRMED

Vsh

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<sup>3</sup> We have considered in this decision only those arguments Appellant actually raised in the Briefs. Any other arguments which Appellant could have made but chose not to make in the Briefs are deemed to be waived. *See* 37 C.F.R. § 41.37(c)(1)(vii).

Appeal 2009-001311  
Application 09/826,915

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